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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MARK A. DuROSS,

11 Petitioner,

No. Civ. S 04-0638 DFL PAN P

12 vs.

13 SCOTT M. KERNAN, Warden,

14 Respondent.

ORDER

15 _____/
16 Petitioner, a state prisoner proceeding pro se, has filed this application for a writ
17 of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States
18 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

19 On June 8, 2005, the magistrate judge filed findings and recommendations herein
20 which were served on all parties and which contained notice to all parties that any objections to
21 the findings and recommendations were to be filed within twenty days. Petitioner has filed
22 objections to the findings and recommendations.

23 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-
24 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire
25 file, the court finds the findings and recommendations to be supported by the record and by
26 proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed June 8, 2005, are adopted in full; and

2. Respondent's December 10, 2004, motion to dismiss is granted and this action is dismissed as untimely.

DATED: 6/23/2005

/s/ David F. Levi
UNITED STATES DISTRICT JUDGE

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